



Town of
INDIAN TRAIL
north carolina

P.O. Box 2430
Indian Trail, North Carolina 28079
Telephone (704) 821-5401
PLANNING DEPARTMENT

Special Use Permit Staff Report

Case: SUP 2012-005			
Reference Name	Carolina Comfort Specialist		
Request	Proposed Use	Major Home Occupation	
Existing Site Characteristics	Existing Zoning	SF-1	
	Existing Use	Private Residence	
	Site Acreage	0.96 acres	
Applicant	Joshua Lacroix		
Submittal Date	February 27, 2012		
Location	6016 Davidson Drive		
Tax Map Number	07147074		
Plan Consistency	Town of Indian Trail Land Use Map	Designation	Suburban Mix
		Consistent with Request	Yes

Project Summary

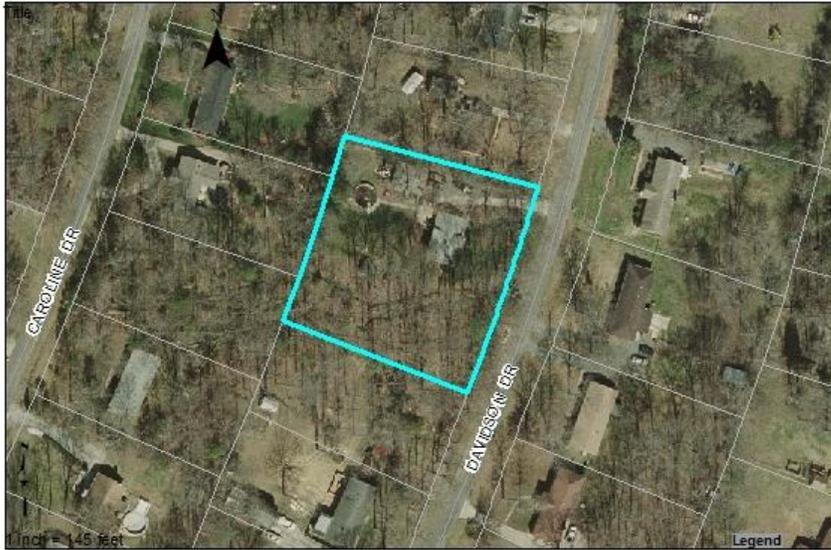
The applicant is requesting to establish a home occupation for an HVAC service and repair business. **UDO Chapter 780.090 (G)** classifies this use type as a major home occupation, requiring a Special Use Permit (SUP) because of the potential impacts it could have on surrounding properties in a residential district.

Analysis

Proposed Use

The proposed business operations will have no employees other than the home owner, no outdoor storage, and a total workspace consisting of less than 25% of the floor area of the house. The home office area would be 100 square feet; the storage/workspace area would take up roughly half of the garage, or about 220 square feet. The total floor area used for the home occupation would be 310 square feet. Materials stored in the garage will consist of replacement parts and units, tools, and other incidental supplies.

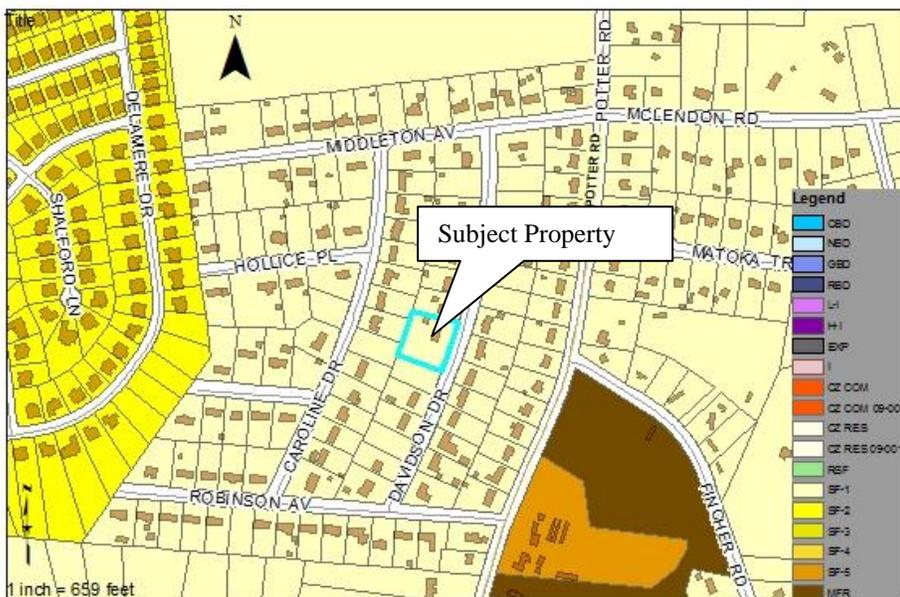
Aerial Photo



Site

The subject property is located within the Worwood Acres neighborhood, a planned subdivision platted under the County in 1964 and annexed by the Town in 1995. The parcel is just under an acre in size, being a combination of lots 8 & 9, as shown on the as-built physical survey. The home has a floor area of 1,800 square feet while the detached garage is 440 square feet. The combined floor area of the home occupation would be 17% of the floor area of the house itself. The total area will be in compliance with the General Standards for Home Occupations which stipulates that not more than 25% of the home's floor area be devoted to the business.

Zoning Map



Parking

The applicant is proposing to park his work van for the business in the driveway, along with his two personal vehicles. Considering the dimensions of the driveway, staff does not foresee there being a problem with off-street parking. Occasional deliveries of parts and supplies via UPS, or other light-duty delivery truck, are not expected to result in any significant on-street parking dilemmas for neighboring residents, due to the short-term nature of these type of deliveries. Furthermore, as the applicant will have no employees working for him, onsite employee parking is of no concern in this matter.

Screening

The backyard of the lot is circumscribed by a four foot tall slatted wood fence. The property boundaries are also fairly wooded with a mature stand of trees and some scrubby underbrush. The work van would be visible from the street while parked in the driveway. However, UDO Section 510.050 does allow for a passenger van to be parked in an unenclosed area in a residential district. Given that there will be no employee vehicles, outdoor storage, or work performed out of doors, staff does not see the need to require additional screening.

Appraisal Report

Per the submittal requirements of the Special Use Permit application and the requirements set forth by the Unified Development Ordinance, the applicant has submitted an appraisal report for the proposed site. The report, performed on February 22, 2012 by William R. Morgan, confirms that the proposed home occupation is not deemed to have any detrimental effect nor diminution in value to the surrounding properties.

Outside Agency Comments

Staff received comments from the Fire Marshal, Public Works, NCDOT, and the Sheriff's Office. There were no concerns identified by the any of the outside agencies.

Plan Consistency

Goal 1.3.2. of the Comprehensive Plan calls for "A mix of different types of land uses and the avoidance of potential land use conflicts between neighboring properties and surrounding municipalities.

The subject property is within the Austin Village suburban mix land use village. Based on the analysis, staff is of the opinion the proposed use is consistent with the intent for this area in that it will not change the residential character of the home or the neighborhood.

Required Findings

Pursuant to **UDO Chapter 360.080**, the Board of Adjustment, when considering whether to approve an application for a special use permit, shall review and evaluate the following:

1. Whether the application is complete.

Staff is of the opinion that the application for SUP2012-005 is complete.

2. The Board will consider whether the application complies with all of the applicable requirements of this ordinance.

As per the stated conditions of this special use permit, staff is of the opinion that SUP2012-005 is in compliance with the requirements set forth by the UDO.

If the Board of Adjustment concludes that all such requirements are met, it will issue the permit unless it adopts a motion to deny the application for one or more of the reasons set forth in **UDO Chapter 360.030**. Such a motion will propose specific findings, based upon the evidence submitted, justifying such a conclusion.

Pursuant to **UDO Chapter 360.030**, the Board of Adjustment must make the required considerations of public health, safety and welfare. The Board of Adjustment's authority in the review of this Special Use Permit application is broad and the Board may deny or approve with conditions if it concludes, based upon the information submitted at the hearing, that the proposed development will:

- 1. Not materially endanger the public health or safety; and**
- 2. Not substantially injure the value of adjoining or abutting property; and**
- 3. Be in harmony with the area in which it is to be located; and**
- 4. Be in general conformity with the Town of Indian Trail Comprehensive Plan and other adopted plans.**

If one of these findings cannot be made, then the Board must move to deny the special use permit request, stating for the record why the Board has decided to do so.

Recommendation

If the Board is of the opinion that the above required findings can be made to approve the project, Staff recommends the site be subject to the following conditions:

1. The home occupation shall be subject to comply with all UDO Chapter 780 Home Occupation standards.
2. There shall be no outdoor storage of any kind associated with the business permitted on the property.
3. The refrigerant or Freon kept onsite shall be contained in a safe manner and properly disposed of in compliance with all applicable state and federal regulations governing the use, handling, transport, and disposal of this substance.
4. Any customer visitations to the subject property shall be by appointment only.
5. Applicant must obtain a privilege license from the Town of Indian Trail.
6. Any future growth of the business, such as the hiring of employees, additional work vehicles, or other expansions of the use will require a modification to the approved SUP.

Attachments

Attachment 1- Application, LOI and Appraiser's Report

Attachment 2- Site Plan and Photographs

Attachment 3- General Standards for Home Occupations, UDO Section 780.070

Staff Contact

Keith Sorensen

Planning Technician

kas@planning.indiantrail.org

ATTACHMENT 1 Application/LOI

SPECIAL USE PERMIT APPLICATION



Submittal Requirements

- Completed Application
- Notarized signatures of applicant and property owner
- Letter of Intent
- 8 copies of Concept Plan
- Statement of Justification (used to determine if Findings of Fact can be made at public hearing)
- Statement of Appraisal
- Fees associated with review

General Information

Project Address 6016 Davidson Dr.
City Matthews / Indian Trail State NC Zip 28104
Tax Parcel ID 07147074 Zoning Designation SF-1
Total Acres .96 Impervious Area _____
Project Description HVAC Home Business

Contact Information – Applicant

Name Joshua Lacroix
Address 6016 Davidson Dr.
City Matthews State NC Zip 28104
Phone 704 634 5210 Fax _____
Email CarolinaLambertSpecialist@6mmv1.com

Contact Information – Property Owner

Name Same
Address _____
City _____ State _____ Zip _____
Phone _____ Fax _____
Email _____

SPECIAL USE PERMIT APPLICATION



Applicant's Certification

Signature Joshua D. Laurix Date 2-27-12

Printed Name/Title Joshua D. Laurix - owner

Signature of Notary Public Helen S. Boich Date 2-27-2012



Property Owner's Certification

Signature Joshua D. Laurix Date 2-27-12

Printed Name/Title Joshua D. Laurix - owner

Signature of Notary Public Helen S. Boich Date 2-27-2012



TOWN OF INDIAN TRAIL OFFICE USE ONLY	
CASE NUMBER: <u>SUP2012-005</u>	
DATE RECEIVED: <u>2/27/2012</u>	AMOUNT OF FEE: <u>Waived/BFA</u>
RECEIVED BY: <u>K. Sorensen</u>	RECEIPT #:

To: The Town of Indian Trail

I Joshua Lacroix am the owner of Carolina Comfort Specialist. I would like to receive permission to operate this business from my primary residence at 6016 Davidson Dr. I am a licensed contractor through the state of NC .I hold a class 3-1 mechanical license. I would like to use 1 room in my house as a home office, and my detached shop for storing material. I am the only employee. I have no intentions of having customers to my home. As a hvac company my regular business hours will be 8am to 8pm. I do not intend on having regular deliveries but if I did have any deliveries they would be between the hours of 8am to 5 pm. No waste material will be stored on site.

A handwritten signature in cursive script that reads "Joshua Lacroix". The signature is written in black ink and is positioned to the right of the main text block.

WILLIAM R. MORGAN CO
REAL ESTATE APPRAISER & CONSULTANT

February 24, 2012

Mr. Josh Lacroix
Carolina Comfort Specialists
6016 Davidson Drive
Matthews, NC 28104

Via email: carolinacomfortspecialists@gmail.com

Mr. Lacroix:

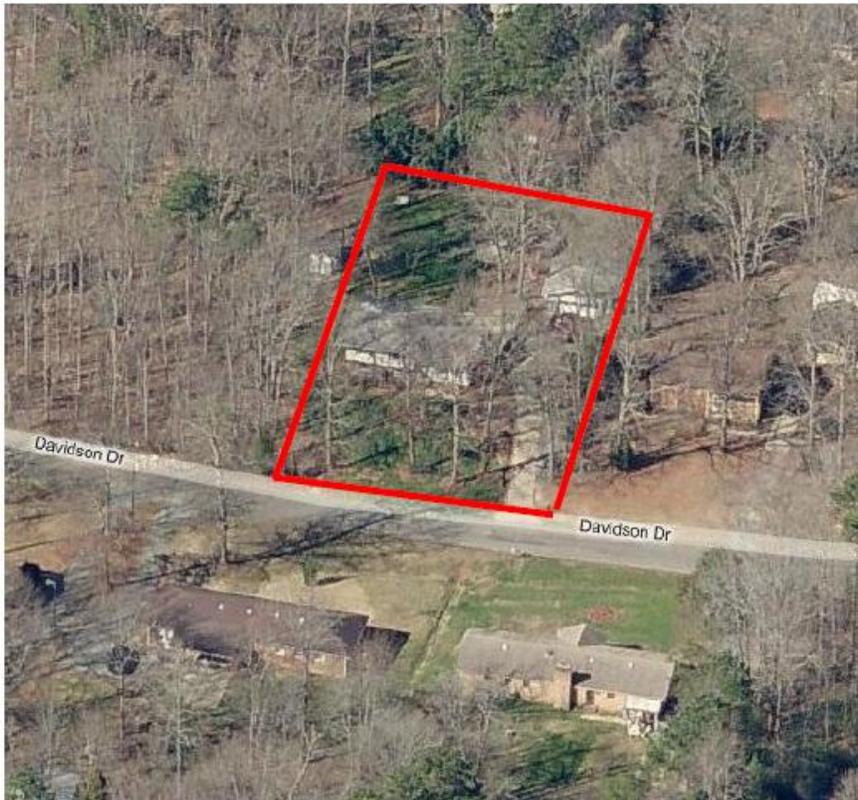
In keeping with your request, I have inspected the property located at 6016 Davidson Drive in Matthews, NC. Said property is comprised of single-family residential dwelling of 1,800 SF located on a .96-acre lot. The scope of this consultation and analysis entails an exterior inspection of the subject building, site and neighborhood along with pictures. The function of this analysis is to determine if the proposed use of utilizing the premises as an office/headquarter for a particular business negatively affects the neighboring properties. The client is stated as Joshua Lacroix d/b/a Carolina Comfort Specialists and the intended use is for the client's compliance to the town (Indian Trail) standards. The effective date of the consultation is February 22, 2012.



SITE PLAN



AERIAL PHOTO



The .96-acre site is level to gently sloping and utility is typical for this neighborhood. The rear yard finds a detached double garage/storage building of 450 SF. Parking is open, paved and gravel and is moderately wooded.

The property serves as a residential single-family dwelling. The proposed use which is the subject of this "variance" will entail the home-based office operations of a heating and air (HVAC) business. On-site use will find the storage of one service truck with storage of all business-related equipment and supplies in the storage building. Paperwork and clerical work will occur inside the residence as is typical with most home-based businesses. Regarding employees, the business has only one employee (owner). Other vehicles, outside of the one business truck, finds two personal vehicles of the owners. All on-site work with equipment/supplies will occur inside the workshop/storage building. Due to vegetation/woods along the rear property line, the only exposure is from the street. The nature of the business will require virtually no pedestrian/client traffic.

The proposed use of the subject improvement to serve as a home office for an HVAC business will not result in increased traffic, noise, fumes, dust or any external obsolescence factors. Said proposed use would not result in any diminished rents nor any detrimental effect or diminution in value to the surrounding properties.

Sincerely,



WR Morgan, MAI



ATTACHMENT 2

Site Plan & Photos



Back yard



Rear of house



Detached garage/workshop

ATTACHMENT 3

UDO Chapter 780

UDO 780.070- General Standards for Home Occupations

- A. Use of the dwelling for all home occupations must be limited to no more than 25 percent of the total floor area of the principal building, or 500 square feet, whichever is less. Areas used for storage of materials shall be included in determining the percentage of the structure devoted to a home occupation. Incidental storage of 50 square feet or less, shall not count toward determining the percentage devoted to the home occupation.
- B. Permits for home occupations issued prior to the effective date of this section that do not meet the requirement of this Section shall be considered legal non-conforming home occupations. However, any subsequent home occupation permit issued at the same address must conform to these standards.
- C. Storage outside of a fully enclosed structure is prohibited.
- D. No use of explosives or highly combustible materials or storage of hazardous material is permitted.
- E. The home may not be altered in any way that changes its residential character or appearance especially if the change could advertise that a business is conducted here.
- F. Only residents of the dwelling may be engaged in the home occupation.
- G. Machinery that causes noises, vibration, glare, fumes, odors, dust, detectable at the property line is prohibited. Machinery that causes electrical interference with radio or television reception is also prohibited.
- H. There shall be no evidence on the exterior of the property that is used in any way other than for a dwelling including and not limited to parking, signs, or lights.
- I. No on-premises sale of goods is permitted except for incidental sale of materials produced on-site.
- J. Clients or business related visitors shall be by appointment only.
- K. Hours of operation for deliveries, clients, and operation of mechanical or electrical equipment shall be limited to 7:00 am to 8:00 pm.
- L. The number of vehicles used by clients or business related visitors to any home occupation shall be limited to two at any given time.